

REMARKS

I. Status of the Application.

Claims 1 and 3-23 are currently pending in the Application. In the Office Action, the Examiner:

- (a) alleged that the amendment to the specification constituted new matter under 35 U.S.C. §132(a);
- (b) alleged that claims 1 and 13 do not comply with the written disclosure requirement under 35 U.S.C. §112, first paragraph;
- (c) alleged under 35 U.S.C. §103(a) that claims 1, 3-4, and 13 are obvious over U.S. Patent No. 4,672,674 to Clough ("Clough") or alternatively, U.S. Patent No. 5,797,852 to Karakasoglu et al. ("Karakasoglu");
- (d) alleged under 35 U.S.C. §103(a) that claims 5, 9, 14, 17-18, and 21-23 are obvious over Clough in view of U.S. Patent No. 6,275,592 to Vartiainen ("Vartiainen");
- (e) alleged under 35 U.S.C. §103(a) that claims 6 and 10 are obvious over Clough in view of Vartiainen and further in view of U.S. Patent No. 5,471,538 to Sasaki; and
- (f) determined that claims 7-8, 11-12, 15-16 and 19-20 would be allowable if rewritten in independent form.

II. The Objections to the Amended Specification Should Be Withdrawn.

While the Applicants do not agree with the Examiner's conclusion that the amendments to the specification constitute new matter under 35 U.S.C. §132(a), the Applicants would like to expedite the prosecution of this Application. Thus, as the Examiner requests, Applicants have amended the specification by deleting the added matter. Applicants reserve the right to continue

to argue this issue in any further filed continuation patent application. For the forgoing reasons, Applicants respectfully submit that the objection to the amendments to the specification is moot and should be withdrawn.

III. The Rejections Of Claims 1 and 13 Under 35 U.S.C. §112, First Paragraph Should Be Withdrawn.

While the Applicants do not agree with the Examiner's rejection of previously presented claims 1 and 13 under 35 U.S.C. § 112, first paragraph, the Applicants would like to expedite the prosecution of this Application. Thus, as the Examiner requests, Applicants have amended claims 1 and 13 to remove the objected to language. Applicants reserve the right to continue to argue this issue in any subsequently filed continuation patent application. For the forgoing reasons, Applicants respectfully submit that the rejection of claims 1 and 13 under 35 U.S.C. § 112, first paragraph, is moot and should be withdrawn.

IV. The Rejections Of Claims 1-6, 9-10, 13-14, 17-18, And 21-23 As Being Obvious Under 35 U.S.C. §103(a) Should Be Withdrawn.

In view of the amendments to the claims set forth in this paper, Applicants respectfully submit that the rejection of claims 1-6, 9-10, 13-14, 17-18, and 21-23 under 35 U.S.C. §103(a) is moot and should be withdrawn. The Examiner has concluded in its past Office Actions that original claims 7-8, 11-12, 15-16, and 19-20 would be allowable if rewritten in independent form. (Office Action, p. 14). In view of the Examiner's conclusion that original claims 7 and 15 contain allowable subject matter, Applicants have amended independent claim 1 to incorporate the limitations of claim 7 and amended independent claim 13 to incorporate the limitations of claim 15.

Accordingly, Applicants respectfully submit that the rejection of claims 1, 3-4 and 13 under 35 U.S.C. §103(a) as being obvious over Clough or alternatively, obvious over Karakasoglu should be withdrawn because claim 3 has been canceled and claims 1, 4 and 13 have been amended to include subject matter that by the Examiner's own admission is not obvious over either Clough or Karakasoglu.

Further, in view of these amendments, Applicants respectfully submit that the rejections of claims 5, 9, 14, 17-18 and 21-23 as being obvious over Clough in view of Vartiainen and the rejections of claims 6 and 10 as being obvious over Clough in view of Vartiainen and further in view of Sasaki should also be withdrawn, because claims 17 and 21 have been cancelled and each of the remaining claims depend from either allowable base claim 1 or claim 13. "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious." MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1382, 1385 (C.C.P.A. 1970)).

For all the reasons set forth above, the Applicants respectfully submit that the rejections of claims 1-6, 9-10, 13-14, 17-18, and 21-23 under 35 U.S.C. §103(a) should be withdrawn and the pending claims should proceed to allowance.

V. Applicants Petition for an Extension of Time.

Applicants hereby petition for an extension of time of three (3) months, under 37 C.F.R. § 1.136(a), thereby extending the deadline for response, pursuant to 37 C.F.R. §§ 1.7(a) & 1.136(a), to Friday, February 26, 2010. Applicants authorize payment for this extension in the amount of \$555.00 to be charged to the identified credit card. When doing so, please reference the above-listed docket number for this file.

VI. Applicants Request For Continued Examination.

Applicants request continued examination by submitting a Request for Continued Examination transmittal form, this response, and requesting that the \$405.00 filing fee be charged to the identified credit card.

VII. Interview Request.

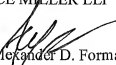
If the Examiner determines that there are any further objections or rejections that would prevent this Application from proceeding to allowance, Applicants request that the Examiner contact the undersigned to arrange an interview to discuss such objections or rejections.

CONCLUSION

For the reasons set forth above, allowance of this Application is respectfully requested. In the event Applicants have inadvertently overlooked the need for payment of any additional fees, Applicants conditionally petition therefore, and authorize any deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number.

Respectfully submitted,

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Date: February 26, 2010

Encl: Request for Continued Examination Transmittal Form